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Message Text

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67
ACTION EB-11

INFO OCT-01 EA-11 ISO-00 AID-20 CIAE-00 FRB-02 INR-10

NSAE-00 RSC-01 TRSE-00 XMB-07 OPIC-12 SPC-03 CIEP-02

LAB-06 SIL-01 OMB-01 L-03 DRC-01 /092 W
---------- 128652
P R 140910Z NOV 73
FM AMEMBASSY SEOUL
TO USDOC WASHDC PRIORITY
INFO SECSTATE WASHDC 1066

UNCLAS SEOUL 7665

E.O. 11652: N/A
TAGS: BDIS, KS
SUBJ: TRADE DISPUTE, KOREA UNITED TRADING CORP VS SPACERAYS, INC., 5151 SOUTH SYRACUSE ST., ENGLEWOOD, COLO. 80110

1. BEGIN SUMMARY: KOREA UNITED TRADING CORP HAS BEEN UNABLE OBTAIN DELIVERY OF RUBY LASER SYSTEM ORDERED FROM SPACERAYS, INC. AND HAS REQUESTED EMBASSY/COMMERCE ASSISTANCE. END SUMMARY.

2. KOREA UNITED TRADING CORP., AS SALES REPRESENTATIVE FOR SPACERAYS INC., RECEIVED PROFORMA INVOICE FOR "SPACERAYS MODEL 100 ACS RUBY LASER SYSTEM WITH SPARE PARTS FOR 5 EA. OF XE FLASH LAMP FX-52C-3". OFFER DATED SEPT. 20, 1973, VALID 60 DAYS, DELIVERY 120 DAYS.

3. ACCORDING TO KOREA UNITED REPRESENTATIVE, FIRM MADE OFFER OF SUBJECT LASER SYSTEM TO KOREAN ATOMIC ENERGY RESEARCH INSTITUTE BASED ON PROFORMA INVOICE ON SEPT. 29, AND RECEIVED AWARD AND CONTRACT NO. KAERI-730008 DATED OCT. 16, 1973. KOREA UNITED REPORTEDLY OPENED L/C IN FAVOR SPACERAYS AMOUNT US$21,540.00 DATED OCT. 31, 1973 AND CABLED NOTIFICATION TO SPACERAYS NOV. 5.

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4. ON OCT. 17 AND NOV. 7, 1973, SPACERAYS SENT KOREA

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UNITED SUBSTANTIALLY IDENTICAL CABLES STATING,
QUOTE SPACERAYS HAS DECIDED TO DEVOTE ITS EFFORTS
EXCLUSIVELY TO THE LASER WELDING AND HOLE
DRILLING MARKET. AS A RESULT OF THIS DECISION WE
ARE WITHDRAWING OUR QUOTATION REFERRED TO ABOVE
FOR THE PORTABLE LASER RANGING SYSTEM. UNQUOTE.

5. KOREA UNITED AWARE POSSIBLE LEGAL REMEDIES BUT
WOULD PREFER NEGOTIATION WITH SPACERAYS TO OBTAIN
MERCHANDISE OR OFFER OF EQUIVALENT ITEM
FROM ALTERNATE SOURCE. UNDER CONTRACT TERMS,
KOREA UNITED IS SUBJECT TO $2,154 PERFORMANCE BOND
FORFEITURE PLUS 3 YEAR DISQUALIFICATION
FROM ROKG BIDDING IF UNABLE TO DELIVER ON THIS
CONTRACT.

6. ACTION REQUESTED: EMBASSY REQUESTS COMMERCE
CONTACT SPACERAYS, INC. 5151 S. SYRACUSE ST. ENGLEWOOD,
COLORADO, TEL. 771-6310, AND DISCUSS POSSIBLE REMEDIES
FOR KOREA UNITED'S COMPLAINT. EARLY REPLY WOULD
BE APPRECIATED SO EMBASSY MAY INFORM KOREA UNITED OF
SPACERAYS ANSWER BEFORE TIMELY DELIVERY BECOMES
IMPOSSIBLE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADE COMPLAINTS, TRADE ASSISTANCE
Control Number: n/a
Copy: SINGLE
Draft Date: 14 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973SEOUL07665
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: SEOUL
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731134/aaaaayuj.tel
Line Count: 85
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: martinjw
Review Comment: n/a
Review Content Flags:
Review Date: 01 FEB 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01-Feb-2002 by elbezefj>; APPROVED <05-Feb-2002 by martinjw>
Review Markings:

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US Department of State
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30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TRADE DISPUTE, KOREA UNITED TRADING CORP VS SPACERAYS, INC., 5151 SOUTH SYRACUSE ST., ENGLEWOOD, COLO. 80110
TAGS: BDIS, KS, US
To: n/a
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

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